IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO.86 OF 2006

IN

SUIT NO.5197 OF 1999

...

Bank of India & Ors.
Trustees of BOI Mutual Fund ...Plaintiffs

v/s.

Dewan Rubber Industries
Ltd. & Ors. ...Defendants

...

Mr.H.P.Narsania i/b Harshad & Co. for the Plaintiff.
Mr.R.M.Pande for the Defendants.

...

CORAM: D.K.DESHMUKH, J.

DATED: 19TH JUNE, 2006

P.C.:

Though there is no reply filed by the Defendants, perusal of the correspondence produced on record shows that the substantial part of the claim made by the Plaintiff for the same is disputed by the Defendants. Therefore, though the suit of the Plaintiff is based on provisions of statute, in the summary jurisdiction , at this stage, it cannot be said that the entire amount for which the decree is claimed by the Plaintiff is admittedly due to the Plaintiff from the Defendants. Defendants, therefore, would be entitled to leave to defend the suit. Summons for judgment is , therefore, disposed of. Defendants are granted unconditional leave to defend the suit. Suit be transferred to commercial cause list. Written statement to be filed within four weeks from today.

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